REMARKS/ARGUMENTS

By this amendment, Claim 1, 5, 14 – 26 are amended. No claims are added or cancelled. Hence, Claims 1 - 26 are pending in the application.

Claims 1 and 14

Claims 1 and 14 have limitations that mirror each other, except that claim 1 is a method claim and claim 14 is a computer-readable medium. Claim 1 recites:

> A method for determining the usage of space in a database, comprising:
> storing, by a first database server, a first set of space usage data that identifies a first amount of free space associated with the database,
> wherein the first set of space usage data is updated, by the database server, based on changes made to the database by the first database server;
> retrieving, from one or more second database servers, a second set of space usage data that identifies a second amount of free space associated with the database,
> wherein the second set of space usage data is updated, by the one or more database servers, based on changes made to the database by the one or more second database servers;
> updating the first set of space usage data with the second set of space usage data; and
> evaluating the usage of space in the database based on the updated first set of space usage data.

Claim 1 requires two separate sets of space usage data, "a first set of space usage" and "a second set of space usage". Both identify "an … amount of free space associated with the [same] database", except that the first is "updated… based on changes made to the database by the first database server" and the second is "updated … based on changes made to the database by"a different "one or more second database servers." Thus, the first and second set of space usage data are similar in that both reflect an amount free space in a database but are different in that each reflects free space based on changes made by different sets of database servers.

Finally, claim 1 requires updating "the first set of space usage data with the second set of space usage data". These features are not suggested in any way much less disclosed by the cited art.

Among other features, Applicant has argued that the rejection erroneously posits that the first set of space usage and the second set of space usage may not be separate and distinct. While Applicant disagrees that claim 1 may be interpreted in this way, Applicant has amended claim 1 to clarify that "the first set of space usage data is separate and distinct from the second set of space usage data."

Examiner has erroneously correlated the separate first and second sets of space usage data to features of the cited art. For the first set of space usage data, the Examiner relies on column 39, lines 53 – 56, and figure 23. (see Answer page 4, last line to page 5, first line). For the second set of space usage data that is used to update the first, the Examiner relies on passage column 14, lines 3 – 9 (See Answer page 5, line 8).

With respect to the passage cited for the first set of space usage data (i.e. column 39, lines 53 – 56), these passages teach that an application server checks for an out-of-storage condition in storage space used to store a message log. The Examiner correlated the application server storing a status about the out-of-storage condition to the first set of space usage data. For purposes of argument here, it is assumed that the out-of-storage condition status stored by the application server can be equated to the first set of space usage data.

With respect to the passage for the second set of space usage data used to update the first, the detailed correspondence includes "a second set of space usage data **(column 14, lines 3 – 9)** that identifies a second amount of free space associated with the database (Figure 2C, 110)." (Answer page 5, lines 8 – 9, emphasis added). This passage teaches about load balancing information that is broadcasted between application servers. However, load balancing

information is not the claimed "second set of space usage data ...." There is nothing about disclosing load balancing information that even discloses space usage data that identifies an amount of free space in a database. Clearly, the passage relied upon to teach the second set of space usage data fails to even teach space usage data, much less second space usage data that is used to update another first set of space usage data. Thus, the rejection rests on passages that cannot possibly teach using the second set of space usage to update another first set of space usage data, as claimed.

Finally, Examiner also take a self-contradictory position. In the prima facie case, the Examiner relies on the out-of-storage condition of Chanti to teach the first set of space usage data and the load balancing information of Chanti to teach the second set of space usage information. In the portion of the Answer addressing the Applicant's argument rebutting these correlations, the Examiner relies on the out-of-storage condition being the second set of space usage. Thus, the Examiner flip-flops between contradictory positions of: (1) the second set of space usage data is loading balancing information and is not the out-of-storage condition, and (2) the second set of space usage data is the out-of storage condition. It is a clear error to adopt and rely on both positions.

Remaining Claims

The pending claims not discussed so far are dependant claims that depend on an independent claim that is discussed above. Because each of the dependant claims include the limitations of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable. Removal of the rejections with respect to the dependant claims and allowance of the dependant claims is respectfully requested. In addition, the dependent claims introduce additional limitations that

independently render them patentable. Due to the fundamental difference already identified, a separate discussion of those limitations is not included at this time.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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